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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/046,257 | 01/16/2002 | Mutsumi Matsumoto | 1341.1118 | 3568 |
| 21171 | 7590 | 09/10/2004 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | GART, MATTHEW S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3625 | |

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,257

Applicant(s)

MATSUMOTO, MUTSUMI

ST

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN on 1/17/2001. It is noted, however, that applicant has not filed a certified copy of the JAPAN 2001-008844 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-6 are rejected under 35 U.S.C. 101, the claimed invention is directed to non-statutory subject matter.

Referring to claim 5-6. Data structures not claimed as embodied in computer-readable media (i.e. A program for making a computer execute the steps) are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional

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interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. See MPEP 2106.

Claim Objections

Claim 2 is objected to because of the following informalities: Line 24, page 25 is not grammatically correct, "...notifying said recipient of the for the confirmation."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Moreno Patent Application Publication US 2002/0035515 A1.

Referring to claim 1. Moreno discloses a method of managing delivery goods comprising the steps of:

- Receiving identification information for delivery goods entered by a deliverer when a recipient of the delivery goods is absent (paragraph 0051 through 0054);
- Extracting delivery goods information and recipient information relevant to the delivery goods identification information from a storage unit which stores the delivery goods information and the recipient information corresponding to the delivery goods information (paragraph 0052: "After the customer request has been received by the service provider, the request is then processed (Block 304). Depending upon the type of request, and the nature of the goods/services requested, this processing may encompass numerous steps or very few and may require contacting third party vendors, carriers, and others."); and
- Notifying said recipient of the delivery goods information based on the recipient information (paragraph 0054: "Once delivery/pick-up of the goods is

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accomplished, a system implementing the process notifies the customer of the delivery.”).

Referring to claim 2. Moreno further discloses a method of managing delivery goods comprising the steps of:

- Receiving information for a request to confirm reception of delivery goods entered by a deliverer when a recipient of the delivery goods is absent (Figure 6C, 6D and 6E);
- Extracting recipient information from a storage unit which stores the recipient information corresponding to the information for the delivery goods reception confirmation request (Figure 6C, 6D and 6E); and
- Notifying said recipient of the confirmation request information based on the recipient information (Figure 6C, 6D and 6E).

Referring to claim 3. Moreno further discloses a method of managing delivery goods according to claim 1, comprising the steps of:

- Further storing information for a deliverer corresponding to the delivery goods information in said storage unit and receiving the delivery goods identification information and reception approval/refusal information entered by said recipient (Figure 6C, 6D and 6E);
- Extracting the deliverer information relevant to the delivery goods identification information from said storage unit; and notifying said deliverer of the reception

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approval/refusal information based on the deliverer information (Figure 6C, 6D and 6E).

Referring to claim 4. Moreno further discloses a method of managing delivery goods according to claim 3, comprising the steps of:

- Further storing information for a client corresponding to the delivery goods information in said storage unit (Figure 6C, 6D and 6E), and
- Extracting the delivery goods information and client information relevant to the delivery goods identification information from said storage unit; and notifying said client of the reception approval/refusal information based on the client information (Figure 6C, 6D and 6E).

Referring to claim 5. Claim 5 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 6. Claim 6 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 7. Claim 7 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claims 1-4.

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Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claims 1-4.

Referring to claim 10. Claim 10 is rejected under the same rationale as set forth above in claims 1-4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rivalto, U.S. Patent No. 6,690,997 B2, February 10, 2004, discloses a system for automated package-pick up and delivery.

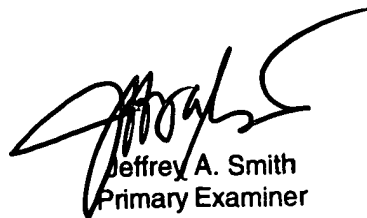
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
August 29, 2004



Jeffrey A. Smith
Primary Examiner